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and Scott M. Clark*

**IN THE STATE OF ARIZONA
IN AND FOR THE SUPREME COURT**

In the Matter of:

**PETITION TO AMEND THE
RULES OF PROCEDURE FOR
EVICTION ACTIONS**

Supreme Court No. **R-16-0022**

**COMMENTS ON PROPOSED
RULE**

Pursuant to Rule 28(D), Rules of the Supreme Court, the Arizona Multihousing Association and its counsel, Scott M. Clark, hereby file their comments in opposition to the above-referenced petition filed by the State Bar of Arizona and its counsel, John Furlong.

I. STATEMENT OF INTEREST.

The Arizona Multihousing Association (“AMA”) is a professional trade association representing over 2,200 members and more than 233,000 rental units in the State of Arizona. Its members include owners of large multi-family properties, property management companies, developers, individual rental owners and the vendors that serve this vital industry. The AMA, which just celebrated its fiftieth anniversary, was formed in 1966 to promote industry professionalism, create educational opportunities, and engage in government relations.

Scott M. Clark is counsel to the AMA and is a member of its Board of Directors. He has represented landlords and property owners for thirty years. He was also one of the participants in the State Bar Landlord/Tenant Task Force.

1 **II. COMMENT, OR "IT'S LIKE DÉJÀ VU ALL OVER AGAIN."**

2 The late New York Yankees legend Yogi Berra was well known for his aphorisms
3 and malapropisms. One of his most famous was "[i]t's like déjà vu all over again." For the
4 third time in the span of four years, the State Bar of Arizona has introduced a petition to
5 amend the Rules of Procedure for Eviction Actions for the inclusion of a rule to permit
6 peremptory challenges of the judicial officer.

7 The arguments by the petitioning party ultimately do not change. Moreover, the
8 petitioning party recognizes in this most recent petition that despite having failed to secure
9 relief of this nature three times (including its removal by this Court from the final draft rules
10 proposed by the Task Force), that party is undeterred in its goal to seek this relief.

11 The AMA and Mr. Clark reincorporate their responses to the two previous petitions,¹
12 as the underlying arguments from the petitioner to justify their requests have not changed.
13 They request that this Court again deny the petitioner's petition.

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15 **III. COMMENTING PARTIES CONCUR WITH ARGUMENTS ADVANCED**
16 **BY THE M.H.C.A. AND THEREFORE JOINS IN ITS RESPONSE.**

17 The Manufactured Housing Communities of Arizona ("MHCA") and its counsel,
18 Michael A. Parham, advance arguments in their response that also reflect the position of
19 the AMA. The AMA and Mr. Clark therefore join in the MHCA's Comments on Proposed
20 Rule filed on May 20, 2016.

21
22 RESPECTFULLY SUBMITTED THIS DATE, the 20 of May 2016,

23 **LAW OFFICES OF SCOTT M. CLARK, P.C.**

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25 By Scott M. Clark
26 Scott M. Clark, Esq.
Attorneys for Arizona Multihousing Association

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¹ *Comment in Opposition to the Adoption of Rule 9.1, RPEA*, R-13-0047 (filed May 20, 2014); *Response to Petition*, R-15-0015 (filed May 20, 2015)

FILING AND MAILING DECLARATION

1. An electronic copy of this Comment in two formats was filed with the Clerk of the Supreme Court of Arizona.

2. A copy was mailed and emailed to the following individual(s):

- John A. Furlong, Esq.
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4201 North 24th Street, Suite 100
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- Michael A. Parham, Esq.
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By  on 5/20/2016.